

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 1999-355-C - ORDER NO. 2000-0286

MARCH 27, 2000

IN RE: Application of Worldwide Fiber Networks,)	ORDER
Incorporated For A Certificate of Public)	GRANTING
Convenience and Necessity to Provide)	CERTIFICATE FOR
Facilities-Based and Resold Intrastate)	LONG DISTANCE
Interexchange Telecommunications Services)	AUTHORITY

This matter comes before the Public Service Commission of South Carolina (the "Commission") by way of the Application of Worldwide Fiber Networks, Inc. ("Worldwide Fiber" or the "Company") requesting a Certificate of Public Convenience and Necessity authorizing it to provide facilities-based and resold intrastate interexchange telecommunications services between and among locations within the State of South Carolina. The Company's Application was filed pursuant to S.C. Code Ann. §58-9-520 (Supp. 1999) and the Regulations of the Public Service Commission of South Carolina.

The Commission's Executive Director instructed Worldwide Fiber to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the affected areas. The purpose of the Notice of Filing was to inform interested parties of Worldwide Fiber's Application and of the manner and time in which to file the appropriate pleadings for participation in the proceeding. The Company complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. No Petitions to Intervene were filed.

A hearing was convened on February 17, 2000, at 10:30 a.m. in the Commission's Hearing Room at 101 Executive Center Drive, Columbia, South Carolina. The Honorable Philip T. Bradley, Chairman, presided. Worldwide Fiber was not represented by counsel. Jocelyn D. Green, Staff Counsel, represented the Commission Staff.

Julie R. Hawkins, Assistant General Counsel for Worldwide Fiber, appeared and testified in support of the Application. According to the testimony, Ms. Hawkins is responsible for the regulatory matters for the Company and she is extremely familiar with Worldwide Fiber's financial, managerial, and technical qualifications to provide telecommunications services. Worldwide Fiber is a Nevada corporation that has received authority to transact business as a foreign corporation from the Secretary of State of South Carolina. After receiving certification from this Commission, Worldwide Fiber will provide a large range of products and services which will allow it to offer customized services including dark fiber and conduit for sale or grant of indefeasible rights of use, dark fiber and conduit for lease, dark fiber and conduit for swap, construction services supporting the development of the network and bandwidth services. Worldwide Fiber also intends to offer services through the sale of bandwidth capacity including Optical Transmission Services, Private Line Services, Virtual Switching Solutions and Packet Based Data Services such as IP Transport and ATM.

According to the Company's application, Worldwide Fiber is building a North American network consisting of two primary east-west routes and three primary north-south routes and will provide high capacity interexchange transport on a leased long-term basis and may provide broadband services. The Company uses state-of-the art fiber optic

strands which allow for high-speed, high quality transmission of data, video, and voice communications. Further, these systems use laser-generated light waves to transmit data, video, and voice in digital formats through ultra-thin strands of glass. Finally, fiber optic systems can be characterized as having good, sound quality and resistance to external signal interference.

According to Ms. Hawkins, Worldwide Fiber has the technical and managerial ability to provide telecommunications services in South Carolina. Her testimony states the Company's management team is comprised of individuals with extensive technical and telecommunications experience and expertise. Some of the officers of the Company include David R. Love (Senior Vice President), Mike Horton (General Manager of Bandwidth Engineering), and Bill Sumner (Senior Vice President of Carrier Services). One example of the management teams' managerial ability to provide telecommunications services in South Carolina is displayed by Mr. Horton's prior telecommunications' experience. Mr. Horton has eighteen years of telecommunications experience. He worked for US West Communications, Inc. and most recently oversaw the installation and activation of Qwest Communications, Incorporated's fiber optic network. As of the date of the hearing, Worldwide Fiber had been authorized to provide its interexchange telecommunications services in several states including Colorado, Kentucky, Nebraska, and Oregon.

Regarding the Company's financial ability to provide telecommunications services in South Carolina, Ms. Hawkins testified that Worldwide Fiber is financially well qualified, through the assets of its parent company, to provide telecommunications

services in South Carolina. The Company's application indicates Worldwide Fiber's parent company is Worldwide Fiber (USA), Incorporated. Ms. Hawkins also offered that the financial resources available to Worldwide Fiber are adequate to permit the Company to offer the services described in its application. The financial statements submitted with the application indicate that as of December 31, 1998, Worldwide Fiber (USA), Incorporated's current assets totaled \$38,801,000 and its total current liabilities totaled \$40,208,000.

Worldwide Fiber's customer service center handles trouble or billing inquiries reported by customers. In addition, the Company provides its own billing to customers. Finally, Worldwide Fiber's toll-free customer service telephone number appears on customer bills distributed by the Company.

After full consideration of the applicable law, the Company's application, and the evidence presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. Worldwide Fiber is organized as a corporation under the laws of the State of Nevada and is authorized to do business as a foreign corporation in the State of South Carolina by the Secretary of State.

2. Worldwide Fiber provides facilities-based and resold interexchange services and wishes to provide its services in South Carolina.

3. Worldwide Fiber has the experience, capability, and financial resources to provide the services as described in its Application.

CONCLUSIONS OF LAW

1. Based on the above findings of fact, the Commission determines that a Certificate of Public Convenience and Necessity should be granted to Worldwide Fiber to provide facilities-based and resold intrastate interLATA service and to originate and terminate toll traffic within the same LATA, as set forth herein, through its own facilities and through the resale of intrastate Wide Area Telecommunications Services (WATS), Message Telecommunications Service (MTS), Foreign Exchange Service, Private Line Service, or any other services authorized for resale by tariffs of carriers approved by the Commission.

2. The Commission adopts a rate design for Worldwide Fiber for its interexchange services which includes only maximum rate levels for each tariff charge. A rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels has been previously adopted by the Commission. In Re: Application of GTE Sprint Communications Corporation, etc., Order No. 84-622, issued in Docket No. 84-10-C (August 2, 1984).

3. Worldwide Fiber shall not adjust its interexchange rates below the approved maximum level without notice to the Commission and to the public. Worldwide Fiber shall file its proposed rate changes, publish its notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, and therefore not required, for reductions below the maximum cap in instances which do not affect the general body of subscribers or do not constitute a general rate reduction. In Re:

Application of GTE Sprint Communications, etc., Order No. 93-638, issued in Docket No. 84-10-C (July 16, 1993). Any proposed increase in the maximum rate level for interexchange services reflected in the tariff which would be applicable to the general body of the Company's subscribers shall constitute a general ratemaking proceeding and will be treated in accordance with the notice and hearing provision of S.C. Code Ann. §58-9-540 (Supp. 1999).

4. If it has not already done so by the date of issuance of this Order, Worldwide Fiber shall file its revised tariff and an accompanying price list within thirty (30) days of receipt of this Order. The revised tariff shall be consistent with the findings of this Order and shall be consistent with the Commission's Rules and Regulations.

5. Worldwide Fiber is subject to access charges pursuant to Commission Order No. 86-584, in which the Commission determined that for access purposes resellers and facilities-based interexchange carriers should be treated similarly.

6. With regard to the Company's resale of service, an end-user should be able to access another interexchange carrier or operator service provider if the end-user so desires.

7. Worldwide Fiber shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If Worldwide Fiber changes underlying carriers, it shall notify the Commission in writing.

8. Worldwide Fiber shall file surveillance reports on a calendar or fiscal year basis with the Commission as required by Order No. 88-178 in Docket No. 87-483-C. The proper form for these reports is indicated on Attachment A. Be advised that the

Commission's annual report for telecommunication companies requires the filing of intrastate revenues and intrastate expenses.

9. The Company shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, tests and repairs. In addition, the Company shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours. Worldwide Fiber shall file the names, addresses and telephone numbers of these representatives with the Commission within thirty (30) days of receipt of this Order. Attachment B shall be utilized for the provision of this information to the Commission. Further, the Company shall promptly notify the Commission in writing if the representatives are replaced.

10. With regard to the origination and termination of toll calls within the same LATA, Worldwide Fiber shall comply with the terms of Order No. 93-462, Order Approving Stipulation and Agreement, in Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993), with the exception of the 10-XXX intraLATA dialing requirement, which has been rendered obsolete by the toll dial parity rules established by the Federal Communications Commission, pursuant to the Telecommunications Act of 1996 (See, 47 CFR 51.209).

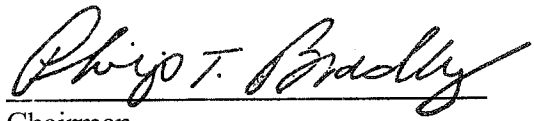
11. The Company is directed to comply with all Rules and Regulations of the Commission, unless a regulation is specifically waived by the Commission.

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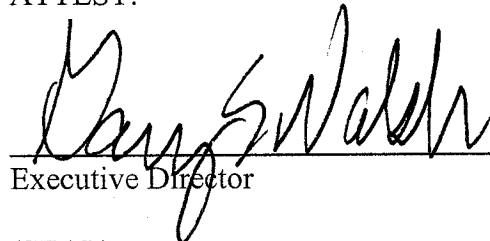
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12. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)

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ATTACHMENT A

ANNUAL INFORMATION ON SOUTH CAROLINA OPERATIONS
FOR INTEREXCHANGE COMPANIES AND AOS'

COMPANY NAME

FEIN

ADDRESS PHONE NUMBER

CITY, STATE, ZIP CODE FAX NUMBER

1. SOUTH CAROLINA OPERATING REVENUES FOR THE 12 MONTHS ENDING
DECEMBER 31, OR FISCAL YEAR. \$ _____
2. SOUTH CAROLINA OPERATING EXPENSES FOR THE 12 MONTHS ENDING
DECEMBER 31, OR FISCAL YEAR. \$ _____
3. RATE BASE INVESTMENT IN SOUTH CAROLINA OPERATIONS FOR THE 12 MONTHS
ENDING DECEMBER 31, OR FISCAL YEAR. \$ _____
4. PARENT'S CAPITAL STRUCTURE FOR THE 12 MONTHS ENDING
DECEMBER 31, OR FISCAL YEAR. \$ _____
5. PARENT'S EMBEDDED COST PERCENTAGE (%) FOR LONG TERM DEBT AND EMBEDDED
COST PERCENTAGE (%) _____
6. ALL DETAILS ON THE ALLOCATION METHOD USED TO DETERMINE THE AMOUNT OF
EXPENSES ALLOCATED TO SOUTH CAROLINA OPERATIONS AS WELL AS METHOD OF
ALLOCATION OF COMPANY'S RATE BASE INVESTMENT (SEE #3 ABOVE).
7. **CONTACT PERSON FOR ALL FINANCIAL INQUIRIES AND REPORTING:**

NAME _____

ADDRESS (IF DIFFERENT FROM COMPANY) _____

TELEPHONE NUMBER _____

SIGNATURE

NAME PLEASE PRINT OR TYPE

TITLE

AUTHORIZED UTILITY REPRESENTATIVE INFORMATION

PURSUANT TO SOUTH CAROLINA PUBLIC SERVICE COMMISSION REGULATION
103-612.2.4(b) - Each utility shall file and maintain with the Commission the name, title, address, and telephone number of the persons who should be contacted in connection with General Management Duties, Customer Relations (Complaints), Engineering Operations, Test and Repairs, and Emergencies during non-office hours.

Company Name (Including dba Name(s) or Acronyms used or to be used in South Carolina)

Business Address

City, State, Zip Code

A.

General Manager Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

B.

Customer Relations (Complaints) Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

C.

Engineering Operations Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

D.

Test and Repair Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

E.

Contact for Emergencies During Non-Office Hours (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

F.

Financial Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

G.

Customer Contact Telephone Number for Company (Toll Free)

This form was completed by

Signature

**If you have any questions, contact the Consumer Services Department (803-896-5230)
or Utilities Department at (803-896-5105).**